

MONTANA LAWS AND RULES ON TEMPORARY CERTIFICATION OF WATER AND WASTEWATER OPERATORS

The complete operator certification citations can be found in
Montana Codes Annotated (MCA) 37-42-101 – 322 and
Administrative Rules of Montana (ARM) 17.40.201 – 214

Section 37-42-302(4), MCA, provides that "For good cause shown, the department may issue **temporary certificates that are valid for up to 1 year.**"

Section 17.40.101(9), ARM, provides that "**Temporary certificate**" means a certificate that is issued to:

- (a) an applicant approved by the department to be an operator in responsible charge of a specified system until the date of the next examination; or
- (b) an operator-in-training until the person has met the experience requirements in ARM 17.40.208.

Section 17.40.203(4), ARM, provides that "The department may, upon receipt and approval of a fully completed application and payment of an appropriate fee as determined under ARM 17.40.212, issue a temporary certificate. The **temporary certificate is effective only until the council meeting following the next examination date, unless the holder of the temporary certificate fails to take the examination. In the latter case, the temporary certificate is effective only until the examination date.** However, if the applicant's employer submits to the department an excuse in writing before the examination that provides a credible reason for the absence and the department finds the excuse to be reasonable, the department may extend the effective date of the certificate to the date of the council meeting following the next examination.

Section 17.40.206(8), ARM, provides that "An operator holding a temporary certificate who fails the examination 2 times loses his temporary certificate upon notice from the department of the second failure. However, the operator may take the examination whenever it is given by re-applying in conformance with department requirements.

Section 17.40.208(3), ARM, provides that "An operator with a temporary certificate or an operator-in-training certificate may be the operator in responsible charge of a system upon:

- (a) written request to the department by the system owner and verification by the owner that the system is unable to employ a fully certified operator; and
- (b) a finding by the department that the operator has the basic knowledge necessary to operate the system and that public health will be protected. The department shall base its decision on:
 - (i) the results of any on-site inspection of the system;
 - (ii) review of the plans and specifications of the system;
 - (iii) review of the operator's records, experience and training; and
 - (iv) examination of any other reasonably available and relevant information."